

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**Teachers4Action et al,** : **Civil Action #**  
Plaintiffs : **08-cv-548 (VM)(AJP)**  
v. :  
: :  
**Bloomberg et al,** :  
Defendants. :  
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**FAGAN DECLARATION & STATEMENT OF AUTHORITIES IN SUPPORT OF  
MOTION FOR FOLLOWING MISCELLANEOUS RELIEF (i) ORDER  
RELIEVING ED FAGAN AS COUNSEL FOR CERTAIN PLAINTIFFS /  
FORMER TEACHERS4ACTION MEMBERS, (ii) ORDER GRANTING  
CHARGING LIEN PURSUANT TO NY JUDICIARY LAW § 475, (iii) ORDER  
PURSUANT TO FRCP 42 (b) SEVERING FORMER TEACHERS4ACTION  
MEMBER CLAIMS AND (iv) FOR OTHER RELIEF**

Edward D. Fagan, hereby declares and says, as follows:

1. I am counsel to Teachers4Action and its members in the above referenced matter.
2. Marie Addoo and Karen Ornstein joined Teachers4Action in or about January/February 2008 and sought to retain me as their counsel through Teachers4Action.
3. At the time they joined Teachers4Action, Marie Addoo and Karen Ornstein sought to benefit from my services related to, among other things:
  - a. actions being taken by Teachers4Action itself and on behalf of its members in US Federal Courts;
  - b. actions being taken by Teachers4Action itself and on behalf of its members in NY State Courts; and

- c. actions being taken by Teachers4Action itself and on behalf of its members in or in relation to 3020-a administrative / disciplinary hearings.
4. As part of their obligations of ongoing membership in Teachers4Action, Marie Addoo and Karen Ornstein committed to among other things:
  - a. cooperate with Teachers4Action and me;
  - b. maintain confidentiality related to Teachers4Action strategies, litigation and activities; and
  - c. refrain from taking and/or engaging in any actions that were detrimental to Teachers4Action, other Teachers4Action members or their collective or individual claims, Teachers4Action overall goals and purposes.
5. Starting on or about mid-May 2008, Marie Addoo and Karen Ornstein breached their obligations to Teachers4Action and me, by failing to cooperate, breaching confidentiality and taking or engaging in other actions detrimental to Teachers4Action, other members and/or me.
6. In particular, without prior notification to and/or consent of the Teachers4Action Executive Committee or me, Marie Addoo and Karen Ornstein, agreed to and did in fact meet with UFT Representative and Individual Defendant Betsy Combier (“Combier”), who Teachers4Action has learned was sent by Defendant United Federation of Teachers (“UFT”) with the knowledge, assistance and support of Defendant Department of Education (“DOE”) into the Queens “Rubber Room” to, among other things, further harass Teachers4Action members, interfere with Teachers4Action claims and intimidate Teachers4Action members.

7. Teachers4Action, its Executive Committee and I sought, to no avail, to get cooperation from and resolve breaches of obligations by Marie Addoo and Karen Ornstein.
8. Marie Addoo and Karen Ornstein refused to honor their membership and contractual obligations to Teachers4Action and me.
9. I am informed that Teachers4Action Executive Committee unanimously terminated the membership of Marie Addoo and Karen Ornstein.
10. From January / February 2008, Teachers4Action and I have expended and/or incurred significant out of pocket expenses and provided legal and other services, for which Marie Addoo and Karen Ornstein are obligated to but for which they have yet to pay.
11. In view of the foregoing, I pray the Court grant the relief sought in this motion.

**DECLARATION PURSUANT TO 28 USC § 1746**

I hereby declare, under penalty of perjury, that the foregoing statements are true to the best of my knowledge, information and belief.

Dated: May 29, 2008

/s/ Edward D. Fagan (electronically signed)  
Edward D. Fagan Esq.